

CHAPTER 74-03-02
SPECIFIC CROP REQUIREMENTS - SMALL GRAINS AND FLAX

Section

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74-03-02-01. Land requirements. A crop of small grain or flax will not be eligible for certification if planted on land on which the same kind of crop was grown the year previous unless the previous crop was the same variety and passed field inspection for certification. Foundation or registered class fields of durum will not be eligible for certification if planted on land on which spring wheat was planted either of the two previous years.

History: Amended effective May 1, 1986; January 2, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-02-02. Field inspection. All field inspection of small grain and flax will be made after the crop is fully headed or in the case of flax in bloom or in the boll stage. A field harvested before inspection will not be eligible for certification.

History: Amended effective January 2, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-02-03. Field standards.

1. Isolation.

- a. At the time of inspection, the field must be separated from other fields by a fence row, natural boundaries, or by a strip at least five feet [1.52 meters] wide which is either mowed, uncropped, or planted to some other separable crop.
- b. When it is necessary to remove a strip to obtain proper isolation, a part of the strip to be removed must be cut into the field to be inspected.
- c. If two classes of the same variety are planted adjacent to one another in the same field, isolation may be accomplished by placing a flag at each end of the field ten feet [3.05 meters] into the higher class of seed, prior to inspection. The flags must be plainly visible at the time of inspection. The grower may harvest that isolated ten-foot [3.05-meter] section of crop with the lower class of seed.

- d. All rye fields producing certified seed must be isolated by at least six hundred sixty feet [201.17 meters] from rye fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification.

2. Roguing.

- a. All roguing to remove undesirable plants must be done before field inspection is made. Rogued plants must be removed from the field to be harvested.
- b. Patches of inseparable prohibited or objectionable weeds, or both, must be either removed by cutting or must be controlled by other means so that no seed is produced or harvested.

3. Specific field standards(wheat - barley - oats - rye - triticale).

Factor	Maximum Tolerance		
	Foundation	Registered	Certified
Other varieties *	1:10,000	1:5,000	1:2,000
Inseparable other crops	1:30,000	1:10,000	1:5,000
Prohibited noxious weeds **	none	none	none

* Other varieties include plants that can be differentiated from the variety being inspected, but shall not include variants which are characteristic of the variety.

** The tolerance for prohibited or objectionable weeds, or both, in the field will be determined by the inspector.

4. Specific field standards (flax).

Factor	Maximum Tolerance		
	Foundation	Registered	Certified
Other varieties *	1:10,000	1:5,000	1:2,000
Prohibited noxious weeds **	none	none	none

* Other varieties include plants that can be differentiated from the variety being inspected, but shall not include variants characteristic of the variety.

- ** The tolerance for prohibited or objectionable noxious weeds, or both, in the field will be determined by the inspector.

History: Amended effective May 1, 1986; September 1, 2002; January 2, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-02-04. Seed standards (wheat - oats - barley - rye - triticale).

Seed count required on wheat, barley, and durum.

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum) *	99.0 percent	99.0 percent	99.0 percent
Total weed seeds (maximum)	2 per pound	5 per pound	10 per pound
Other varieties **	1 per 2 pounds	1 per pound	3 per pound
Other crop seeds (maximum)	1 per 2 pounds	1 per pound	3 per pound
Inert matter (maximum) ***	1.0 percent	1.0 percent	1.0 percent
Prohibited noxious weed seeds +	none	none	none
Objectionable weed seeds (maximum) ++	1 per 4 pounds	1 per 2 pounds	1 per pound
Germination +++	85.0 percent	85.0 percent	85.0 percent

- * The standard for durum and rye shall be 98.0 percent minimum.

- ** Other varieties shall not include variants characteristic of the variety. White wheat must be tested for red wheat contaminants.

- *** For all crops foreign matter other than broken seed shall not exceed 0.2 percent. Durum, triticale, and rye may contain 2.0 percent maximum inert matter.

- + Including the seeds of quackgrass.

- ++ Objectionable weed seeds shall include the following: dodder, wild oats, hedge bindweed (wild morning glory), giant ragweed (kinghead), falseflax, and dragonhead.

- +++ Winter wheat, durum, and rye minimum 80.0 percent.

Note: A barley grower is responsible for having a loose smut test, by an official laboratory, on the harvested seed of each field of barley. If seed from more than one field is blended without having a test for each field, a loose smut test must be made on each seed lot or subplot. The percentage of loose

smut will be printed on the certification certificate or label. The foundation class of barley has a zero tolerance for barley stripe mosaic virus.

History: Amended effective May 1, 1986; May 1, 1988; December 18, 1989; August 1, 1991; September 1, 2002; January 2, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-02-05. Seed standards (flax).

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	99.0 percent	99.0 percent	98.5 percent
Total weed seeds (maximum)	15 per pound	15 per pound	30 per pound
Other varieties (maximum) *	2 per pound	8 per pound	16 per pound
Other crop seeds (maximum)	2 per pound	5 per pound	10 per pound
Inert matter (maximum) **	1.0 percent	1.0 percent	1.5 percent
Prohibited noxious weed seeds ***	none	none	none
Objectionable weed seeds (maximum) +	1 per 2 pounds	1 per 2 pounds	3 per pound
Germination (minimum)	85.0 percent	85.0 percent	85.0 percent

* Other varieties shall not include variants characteristic of the variety. For golden or yellow varieties the standards are 4, 16, and 32 per pound respectively.

** May not exceed two-tenths percent foreign matter.

*** Including seeds of quackgrass.

+ Objectionable weed seeds shall include the following: dodder species, wild oats, hedge bindweed (wild morning glory), giant ragweed (kinghead), small seeded falseflax, and American dragonhead.

History: Amended effective May 1, 1986; May 1, 1987; May 1, 1988; September 1, 2002; January 2, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18